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SUBJECT: LEBANON: ELECTION POSTPONED FOR THE NINTH TIME

Classified By: CDA William Grant for reasons 1.4 (b) and (d).

SUMMARY AND COMMENT

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11. (C) Despite an apparent agreement between majority leader Saad Hariri and Parliament Speaker Nabih Berri on how to circumvent the constitutional obstacle to Lebanese Armed Forces (LAF) Commander Michel Sleiman's election as president, Berri once again postponed the parliamentary vote on December 17. Talks between the Berri and Hariri camps reportedly broke down over cabinet formation, with the opposition continuing to insist on 13 out of 30 seats. Over 100 MPs were present in parliament, including all of the opposition Amal and Aoun MPs (though not Aoun himself). Not all of March 14 agreed with the legal fix, suggesting that once again Berri has succeeded not only in regaining the initiative and forcing March 14 to say no, but in sowing discord within the majority as well. End summary and comment.

DEJA VU ALL OVER AGAIN

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12. (SBU) On December 17, Parliament Speaker Nabih Berri postponed for the ninth time the session to elect a new president, this time until noon on December 22. Optimism had been running high just prior to the announcement that the election would take place after initial reports that the March 14 majority and opposition had agreed that a constitutional amendment was no longer necessary to elect Lebanese Armed Forces (LAF) Commander Michel Sleiman. However, Berri also demanded that Saad Hariri agree on the division of seats in the next cabinet according to a 17/13 formula, which would give the opposition a comfortable "blocking third" on government decisions. Hariri would not, and so Berri refused to open the electoral session.

LEGAL FINESSING

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13. (SBU) MP Bahije Tabbareh, a lawyer who has been working with Berri and Hariri to find a way to get around the constitutional prohibition against electing Sleiman, a sitting high-level government official, told us December 17 that the solution centered around Article 74 of the constitution, which deals with an unexpected vacancy in the presidency. Because of the presidential vacuum, he said, Article 74 could be used to argue that a constitutional amendment was not necessary to elect Sleiman, thereby removing the thorny issue of the Siniora government's role in amending the constitution.

¶4. (C) However, not all March 14 leaders are on board with this fix. Contacts told us that this solution, though accepted by Hariri, was viewed negatively by March 14 members Samir Geagea, former President Amine Gemayel, MP Boutros Harb and PM Fouad Siniora.

#### BUT POLITICAL OBSTACLES REMAIN

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¶5. (C) Discussions between Berri and Hariri focused on the distribution of seats inside the cabinet. Berri insisted on a cabinet formation that consists of 13 seats for March 8 and 17 seats for March 14. Hariri rejected this because it would give the opposition the blocking third (at least 11 seats) allowing the opposition to block government decisions.

¶6. (C) Berri advisor Ali Hamdan confirmed that the legal/constitutional impediment between the two blocs was removed, but the political problem of cabinet composition remains. The opposition, he said, continues to insist on proportional representation inside the cabinet based on the distribution of seats (55/45) inside parliament. (Note: There is no requirement that the cabinet representation reflect that of the parliament. End note).

#### OPPOSITION SHOWS UP IN FORCE

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¶7. (SBU) More than 100 of the 127 parliamentarians showed up at parliament, including all of opposition Free Patriotic Movement leader Michel Aoun's MPs, though Aoun himself did not attend. On the March 14 side, only one MP from Samir Geagea's 5-member bloc attended. Geagea advisor Elie Khoury claimed that, due to low expectations that the election would be held, Geagea's MPs preferred not to risk their personal security by going to parliament.

#### COMMENT

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¶8. (C) Following the December 14 statement by French President Sarkozy and the December 15-16 visit of NEA Assistant Secretary David Welch, hopes were high that this time, finally, parliament would elect a president. Once again Berri has clearly set the stage to portray himself as the problem-solver, and Saad as the spoiler. Once again he has come up with a new initiative to solve the impasse, and once again it is March 14 who rejects his overture. The fact that all of the Amal and Aoun MPs went to parliament only strengthens the argument that we are sure he will make that the opposition was fully prepared to elect a president, had March 14 only agreed.

¶9. (C) Of course, the reality is that, by linking the election to cabinet formation, Berri is forcing yet another concession on March 14, another step in the opposition's efforts to get its hands not only on the presidency, but on the next government. And, by postponing the session yet again, Berri continues to play into the hands of those who believe that time is not on March 14's side.

¶10. (C) So, it looks like we're back to square one, with the opposition continuing to insist on some sort of a package deal on the presidency. What strikes us as somewhat alarming in this round, however, is that Berri once again has succeeded in finding a way to sow disagreement within March 14; namely, over the constitutional amendment question. March 14 planned to meet the night of December 17 to consider next steps. End comment.

#### GRANT